

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JANUARY 26, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Mayor Wasserman led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Councilmembers: Natarajan, Harrison, and Chan.
Absent: Vice Mayor Wieckowski

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council approved the minutes for the Special and Regular Meetings of December 1, 2009.

Ayes:	Mayor Wasserman, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	Vice Mayor Wieckowski
Abstain:	None

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Uncodified Ordinance of the City of Fremont Adopting a Third Amendment to Development Agreement DA-92-1 Between the City and King & Lyons Related to the**

Development of Property Generally Located Westerly of Interstate 880 and North of Dixon Landing Road

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 1-2010.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for P-District 2005-262(F)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 2-2010.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Zoning Provisions Governing Adult Encounter Centers**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 3-2010.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of the Close Out of Completed Capital Projects**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the close out and defunding of the capital projects identified on Enclosure A and for all funds except Fund 531, Fund 213, and Fund 501, return the remaining project appropriations to unallocated fund balance in their respective funds.
2. Appropriated the remaining balance in the TIF (fund 531) to 531PWC 8101 CIP Contingency.

3. Appropriated the remaining balance for Fire Bond (Fund 213) to 213PWC8552, Fire Station #3.
4. Approved the transfer of unexpended appropriations from the defunding and close out of Fund 501 projects from Fund 501 to the Budget Uncertainty Reserve.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

*** 2.7 Mayor Wasserman opened consideration to Authorize the City Manager or Designee to Execute the FY 2009/10 Services-As-Needed Contract with Alameda County Behavioral Health Care Services (ACBHCS) for Reimbursement of Mental Health Services**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager to execute the Services-as-Needed contract with Alameda County Behavioral Health Care Services for reimbursement for mental health services as set forth in the staff report.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

2.8 Mayor Wasserman opened consideration of Adoption of City Legislative Policies and Funding Priorities for 2010

Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Adopted the 2010 Legislative Policies and Funding Priorities as amended to include the following priorities under the Land Use category: (1) seek funding for railroad quiet zones, (2) support infill development, and (3) support incentives for compliance with housing elements.
2. Authorized the Mayor to convey the Legislative Policies and Funding Priorities to Assemblymember Torrico and Senator Corbett.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

(This item was removed from the Consent Calendar)

*Consent Items

3. CEREMONIAL ITEMS

- 3.1 Resolution: Recognizing Taryn Hanano, Planner II, for winning the American Planning Association's National Planning Leadership Award for a Planning Student**
- 3.2 Recognition for Receiving the GFOA Certificate of Achievement for Excellence in Financial Reporting for FY 2007/08 and Distinguished Budget Presentation Award for FY 2009/10**
- 3.3 Resolution: Honoring Police Business Services Manager Susan Aro for 20 Years of Service**
- 3.4 Resolution: Honoring Police Sergeant Steven Pace for 20 Years of Service**
- 3.5 Resolution: Honoring Police Sergeant Howard Russell for 25 Years of Service**
- 3.6 Resolution: Honoring Police Detention Technician Elliott Stephens for 30 Years of Service**

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Rick Evans, Dominic Dutra, Don Brown (Rotary Club of Warm Springs), Joseph Joly (Chamber of Commerce), and John Marra expressed support for developing an A's ballpark project in Fremont. Cindy Bonior (Fremont Chamber of Commerce) provided an update regarding the A's to Fremont rally sponsored by the Chamber prior to the start of the Council meeting. Nina Moore addressed misinformation related to the Redevelopment Agency Cap Extension Plan Amendment and how it may be related to a proposed ballpark.

5. SCHEDULED ITEMS – None.

- 5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Tentative Parcel Map Application (TPM 8265) to Subdivide a 1.02-acre Parcel into Two Single-Family Lots (PLN2009-00175) (Continued from January 12, 2010)**

Councilmember Chan recused herself due to a conflict of interest as the appellant's neighbor is a client of her family's dental practice, and left the chambers.

City Attorney Harvey Levine provided an overview of the findings for denial of the project. Being there were no public speakers, Mayor Wasserman closed the public hearing.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council found that the project is categorically exempt from the California Environmental

Quality Act (CEQA) pursuant to CEQA guideline 15315; adopted the attached findings and denied the project based on general plan inconsistency.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: Councilmember Chan

Councilmember Chan returned for the remainder of the meeting.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract in the Amount of \$1,018,419 to the Lowest Responsible Bidder for the Grimmer Greenbelt Gateway Phase 1 (Paseo Padre Parkway Intersection Improvements) Project, City Project No. 8679A (PWC)

Recreation Director Annabell Holland provided an overview of the project comprised of four phases. Mayor Wasserman opened the item for public comment. Michael Willcoxon (Gallagher & Burke, Inc.) spoke in support of awarding the contract to the second low bidder, Gallagher & Burke, Inc. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the Plans and Specifications for the Grimmer Boulevard Greenbelt Gateway Phase 1 (Paseo Padre Parkway Intersection Improvements) project, City Project No. 8679A (PWC).
2. Rejected the bid from the lowest monetary bidder, C. F. Archibald Paving, Inc., as a non-responsive bid.
3. Accepted the bid and awarded the construction contract for Grimmer Boulevard Greenbelt Gateway Phase 1 (Paseo Padre Parkway Intersection Improvements) project, City Project No. 8679A (PWC) to the second bidder, Gallagher & Burk, Inc., in the amount of \$1,018,419 and authorized the City Manager or his designee to execute the contract.
4. Authorized the transfer of appropriation of \$870,000 from Washington Boulevard/Paseo Padre Parkway Grade Separations 531 PWC 8156 to Grimmer Boulevard Greenbelt Gateway 531 PWC 8679.

Ayes: Mayor Wasserman, Councilmembers: Natarajan,
Harrison and Chan
Noes: None
Absent: Vice Mayor Wieckowski
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

- 8.1.1 Mayor Wasserman opened consideration of Appointments and Reappointments to Advisory Bodies with expiring terms.

By consensus of those present (Vice Mayor Wieckowski was absent), the City Council made the following appointments:

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Senior Citizens Commission	J.R. Thomas	December 31, 2013

Reappointments:

East Bay Regional Park Liaison Committee	Roman Reed	December 31, 2012 (Recreation Commission Rep.)
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Frank Pirrone	December 31, 2011 (Recreation Commission Alternate)
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George W. Patterson House Advisory Board	John Christman	December 31, 2013 (Recreation Commission Rep.)
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8.2 Oral Reports on Meetings and Events – None.

9. **ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:30 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor

*Consent Items